

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

MANDEEP KAUR DHEER

Applicant for Registered Nurse License

Respondent

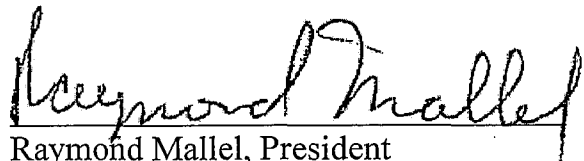
Case No. 2013 -324

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **March 8, 2013**.

IT IS SO ORDERED **February 7, 2013**.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
Against:

13 **MANDEEP KAUR DHEER**
600 Park View Drive, Apartment #206
14 Santa Clara, California 95054

15 **Registered Nurse License Applicant**

16 Respondent.

Case Number 2013-324

17 **STIPULATED SETTLEMENT AND**
18 **DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Complainant Louise R. Bailey, M.Ed., R.N., is the Executive Officer of the Board of
22 Registered Nursing (Board), Department of Consumer Affairs. She brought this action solely in
23 her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of
24 the State of California, by Gregory Tuss, Deputy Attorney General.

25 2. Respondent Mandeep Kaur Dheer is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about January 19, 2012, respondent filed an application dated December 22,
28 2011, with the Board to obtain a registered nurse license.

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1 respondent. By signing the stipulation, respondent understands and agrees that she may not
2 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
3 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
4 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
5 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
6 be disqualified from further action by having considered this matter.

7 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
8 and Disciplinary Order, including facsimile signatures, shall have the same force and effect as the
9 originals.

10 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
15 writing executed by an authorized representative of each of the parties.

16 13. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Board may, without further notice or formal proceeding, issue and enter the following
18 Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 **IT IS HEREBY ORDERED**

21 The application of respondent Mandeep Kaur Dheer for licensure is hereby granted. Upon
22 successful completion of the licensure examination and all other licensing requirements, a license
23 shall be issued to respondent. Said license shall immediately be revoked, the order of revocation
24 stayed and respondent placed on probation for a period of three (3) years on the following
25 conditions:

26 **Severability Clause.** Each condition of probation contained in this Disciplinary Order is a
27 separate and distinct condition. If any condition of this Order, or any application thereof, is
28 declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all

1 other applications thereof, shall not be affected. Each condition of this Order shall separately be
2 valid and enforceable to the fullest extent permitted by law.

3 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and
4 detailed account of any and all violations of law shall be reported by respondent to the Board in
5 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with
6 this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45
7 days of the effective date of the decision, unless previously submitted as part of the licensure
8 application process.

9 **Criminal Court Orders:** If respondent is under criminal court orders, including probation
10 or parole, and the order is violated, this shall be deemed a violation of these probation conditions,
11 and may result in the filing of an accusation and/or petition to revoke probation.

12 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with
13 the conditions of the Probation Program established by the Board and cooperate with
14 representatives of the Board in its monitoring and investigation of the respondent's compliance
15 with the Board's Probation Program. Respondent shall inform the Board in writing within no
16 more than 15 days of any address change and shall at all times maintain an active, current license
17 status with the Board, including during any period of suspension.

18 Upon successful completion of probation, respondent's license shall be fully restored.

19 3. **Report in Person.** Respondent, during the period of probation, shall appear in
20 person at interviews/meetings as directed by the Board or its designated representatives.

21 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
22 practice as a registered nurse outside of California shall not apply toward a reduction of this
23 probation time period. Respondent's probation is tolled, if and when she resides outside of
24 California. Respondent must provide written notice to the Board within 15 days of any change of
25 residency or practice outside the state, and within 30 days prior to re-establishing residency or
26 returning to practice in this state.

27 Respondent shall provide a list of all states and territories where she has ever been licensed
28 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide

1 information regarding the status of each license and any changes in such license status during the
2 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
3 license during the term of probation.

4 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit
5 or cause to be submitted such written reports/declarations and verification of actions under
6 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
7 relative to respondent's compliance with all the conditions of the Board's Probation Program.
8 Respondent shall immediately execute all release of information forms as may be required by the
9 Board or its representatives.

10 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
11 state and territory in which she has a registered nurse license.

12 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall
13 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
14 six consecutive months or as determined by the Board.

15 For purposes of compliance with the section, "engage in the practice of registered nursing"
16 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
17 non-direct patient care position that requires licensure as a registered nurse.

18 The Board may require that advanced practice nurses engage in advanced practice nursing
19 for a minimum of 24 hours per week for six consecutive months or as determined by the Board.

20 If respondent has not complied with this condition during the probationary term, and
21 respondent has presented sufficient documentation of her good faith efforts to comply with this
22 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
23 extension of respondent's probation period up to one year without further hearing in order to
24 comply with this condition. During the one-year extension, all original conditions of probation
25 shall apply.

26 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
27 prior approval from the Board before commencing or continuing any employment, paid or
28 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all

1 performance evaluations and other employment related reports as a registered nurse upon request
2 of the Board.

3 Respondent shall provide a copy of this Decision to her employer and immediate
4 supervisors prior to commencement of any nursing or other health care related employment.

5 In addition to the above, respondent shall notify the Board in writing within seventy-two
6 (72) hours after she obtains any nursing or other health-care-related employment. Respondent
7 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
8 separated, regardless of cause, from any nursing, or other health care related employment with a
9 full explanation of the circumstances surrounding the termination or separation.

10 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
11 respondent's level of supervision and/or collaboration before commencing or continuing any
12 employment as a registered nurse, or education and training that includes patient care.

13 Respondent shall practice only under the direct supervision of a registered nurse in good
14 standing (no current discipline) with the Board, unless alternative methods of supervision and/or
15 collaboration (e.g., with an advanced practice nurse or physician) are approved.

16 Respondent's level of supervision and/or collaboration may include, but is not limited to the
17 following:

18 (a) Maximum – The individual providing supervision and/or collaboration is present in the
19 patient care area or in any other work setting at all times.

20 (b) Moderate – The individual providing supervision and/or collaboration is in the patient
21 care unit or in any other work setting at least half the hours respondent works.

22 (c) Minimum – The individual providing supervision and/or collaboration has person-to-
23 person communication with respondent at least twice during each shift worked.

24 (d) Home Health Care – If respondent is approved to work in the home health care setting,
25 the individual providing supervision and/or collaboration shall have person-to-person
26 communication with respondent as required by the Board each work day. Respondent shall
27 maintain telephone or other telecommunication contact with the individual providing supervision
28 and/or collaboration as required by the Board during each work day. The individual providing

1 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
2 patients' homes visited by respondent with or without respondent present.

3 **9. Employment Limitations.** Respondent shall not work for a nurse's registry, in any
4 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
5 or for an in-house nursing pool.

6 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
7 registered nursing supervision and other protections for home visits have been approved by the
8 Board. Respondent shall not work in any other registered nursing occupation where home visits
9 are required.

10 Respondent shall not work in any health care setting as a supervisor of registered nurses.
11 The Board may additionally restrict respondent from supervising licensed vocational nurses
12 and/or unlicensed assistive personnel on a case-by-case basis.

13 Respondent shall not work as a faculty member in an approved school of nursing or as an
14 instructor in a Board-approved continuing education program.

15 Respondent shall work only on a regularly assigned, identified and predetermined
16 worksite(s) and shall not work in a float capacity.

17 If respondent is working or intends to work in excess of 40 hours per week, the Board may
18 request documentation to determine whether there should be restrictions on the hours of work.

19 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
20 successfully complete a course(s) relevant to the practice of registered nursing no later than six
21 months prior to the end of her probationary term.

22 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
23 Respondent shall submit to the Board the original transcripts or certificates of completion for the
24 above required course(s). The Board shall return the original documents to respondent after
25 photocopying them for its records.

26 **11. Violation of Probation.** If respondent violates any of the conditions of her
27 probation, the Board, after giving respondent notice and an opportunity to be heard, may set aside
28 the stay order and impose the stayed discipline (revocation/suspension) of respondent's license.

1 If during the period of probation, an accusation or petition to revoke probation has been
2 filed against respondent's license or the Attorney General's Office has been requested to prepare
3 an Accusation or Petition to Revoke Probation against respondent's license, the probationary
4 period shall automatically be extended and shall not expire until the Accusation or Petition has
5 been acted upon by the Board.

6 12. **License Surrender.** During respondent's term of probation, if she ceases practicing
7 due to retirement, health reasons, or is otherwise unable to satisfy the conditions of probation,
8 respondent may surrender her license to the Board. The Board reserves the right to evaluate
9 respondent's request and to exercise its discretion whether to grant the request, or to take any
10 other action deemed appropriate and reasonable under the circumstances, without further hearing.
11 Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be
12 subject to the conditions of probation.

13 Surrender of respondent's license shall be considered a disciplinary action and shall become
14 a part of respondent's license history with the Board. A registered nurse whose license has been
15 surrendered may petition the Board for reinstatement no sooner than the following minimum
16 periods from the effective date of the disciplinary decision:

17 (1) Two years for reinstatement of a license that was surrendered for any reason other
18 than a mental or physical illness; or

19 (2) One year for a license surrendered for a mental or physical illness.

20 13. **Therapy or Counseling Program.** Respondent, at her expense, shall
21 participate in an on-going counseling program until such time as the Board releases her
22 from this requirement and only upon the recommendation of the counselor. Written
23 progress reports from the counselor will be required at various intervals.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my registered nurse license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 11-5-12


MANDEEP KAUR DHEER
Respondent

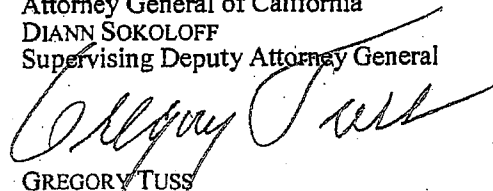
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 11-5-12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


GREGORY TUSS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues Number 2013-324

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2 DIANN SOKOLOFF
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case Number 2013 - 324

13 **MANDEEP KAUR DHEER**
14 **a.k.a. Mandeep Kaur**

STATEMENT OF ISSUES

14 **Registered Nurse License Applicant**

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Complainant Louise R. Bailey, M.Ed., R.N., brings this Statement of Issues solely in
20 her official capacity as the Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about January 19, 2012, the Board received an application for a registered
23 nurse license from respondent Mandeep Kaur Dheer, a.k.a. Mandeep Kaur. On or about
24 December 22, 2011, respondent certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. The Board denied the application on
26 March 21, 2012.

27 ///

JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 480 provides, in pertinent part:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

“(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

“(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.”

5. Section 490 provides, in pertinent part:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.”

///

6. Section 2736 provides, in pertinent part:

“(a) An applicant for licensure as a registered nurse shall comply with each of the following:

...

“(3) Not be subject to denial of licensure under Section 480.”

7. Section 2761 provides, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct

• • •

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

8. California Code of Regulations, title 16, section 1444, provides, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

“(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

...

“(c) Theft, dishonesty, fraud, or deceit.”

FACTUAL BACKGROUND

9. In or about 2008 and 2009, respondent used the identity of another person to obtain two credit cards in that person's name. She then used those credit cards for personal charges in the approximate amount of \$19,800.00.

10. On or about February 8, 2011, in a criminal proceeding entitled *People v. Mandeep Kaur* in Superior Court, County of Kern, case number BF132210A, respondent pled no contest to

1 a misdemeanor violation of Penal Code section 487, subdivision (a) (grand theft). Imposition of
2 sentence was suspended, and she was placed on court probation for three years. The terms and
3 conditions of her probation included completion of 720 hours of community service.

4
5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **Conviction**

7 **(Bus. & Prof. Code, §§ 480, subds. (a)(1) and (3); 490, subd. (a);**
8 **2736, subd. (a)(3); 2761, subd. (f))**

9 11. The allegations of paragraphs 9-10 are realleged and incorporated by reference as if
10 fully set forth.

11 12. Respondent's application is subject to denial for a conviction under sections 480,
12 subdivision (a)(1) and (3), 490, subdivision (a), 2736, subdivision (a)(3), and 2761, subdivision
13 (f). As set forth in paragraphs 9-10 above, respondent was convicted of a misdemeanor violation
14 of Penal Code section 487, subdivision (a) (grand theft).

15 **SECOND CAUSE FOR DENIAL OF APPLICATION**

16 **Act Involving Dishonesty, Fraud, or Deceit**

17 **(Bus. & Prof. Code, §§ 480, subd. (a)(2); 2736, subd. (a)(3))**

18 13. The allegations of paragraphs 9-10 are realleged and incorporated by reference as if
19 fully set forth.

20 14. Respondent's application is subject to denial for doing an act involving dishonesty,
21 fraud, or deceit with the intent to substantially benefit herself or substantially injure another under
22 sections 480, subdivision (a)(1), and 2736, subdivision (a)(3). As set forth in paragraphs 9-10
23 above, respondent used the identity of another person to obtain two credit cards in that person's
24 name. She then used those credit cards for personal charges in the approximate amount of
25 \$19,800.00.

26 **THIRD CAUSE FOR DENIAL OF APPLICATION**

27 **Unprofessional Conduct**

28 **(Bus. & Prof. Code, § 2761, subd. (a))**

15 15. The allegations of paragraphs 9-10 are realleged and incorporated by reference as if
16 fully set forth.

17 16. Respondent's application is subject to denial for unprofessional conduct under section
18 2761, subdivision (a). As set forth in paragraphs 9-10 above, respondent used the identity of

1 another person to obtain two credit cards in that person's name. She then used those credit cards
2 for personal charges in the approximate amount of \$19,800.00.

3 **PRAYER**

4 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
5 Statement of Issues, and that following the hearing, the Board issue a decision:

6 1. Denying the application of Mandeep Kaur Dheer, a.k.a. Mandeep Kaur, for a
7 registered nurse license; and

8 2. Taking such other and further action as deemed necessary and proper.

9 DATED: October 25, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., R.N.

Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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